IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO. 4290 OF 2004
IN
CRIMINAL APPEAL NO. 1187 OF 2004

Shivaji Mahadev Patil and another ..Applicants (Orig. Accused Nos. 1 and 2)

V/s

The State of Maharashtra .. Respondent.

Smt. Varsha Palav for the applicants.
Shri D.S. Mhaispurkar, A.P.P. for the Respondent/State.

CORAM : S.B. MHASE &
ANOOP V.MOHTA, JJ.

DATE : 7TH DECEMBER, 2004.

P.C.

. Heard Smt. Varsha Palav for the applicants and Mr. D.S. Mhaispurkar, A.P.P. for the Respondent/State. We have perused the statement of eye witness and we found that the incident has taken place at 6 p.m. on 6/4/1999 in the field, when the accused Nos.1 and 2 were supplying the water to their field. Having found that the water course of the complainant is damaged the dispute started. The deceased tried to intervene the dispute. However, the accused No.2 gave blow of iron road and accused No. 1 gave blow of pick-axe (one sided) on the left side of head of the deceased i.e. the wife of the complainant with whom the

dispute has started. Prima facie, we see that both the accused have contributed for the death of the deceased and trial Court has convicted them as they are guilty of the offence. We do not find any reason to suspend the sentence awarded by the lower Court. Hence, bail application is rejected.

[ANOOP V. MOHTA, J.] **[S.B.MHASE, J.]**